

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HORIZON PHARMA, INC. and
POZEN INC.,

Plaintiffs,

vs.

DR. REDDY'S LABORATORIES
INC. and DR. REDDY'S
LABORATORIES LTD.,

Defendants.

Civil Action Nos. 3:11-cv-02317-MLC-DEA
3:13-cv-00091-MLC-DEA

FINAL JUDGMENT

This is an action for patent infringement having been brought by Plaintiffs Horizon Pharma Inc. and Pozen Inc. (collectively, "Plaintiffs") against Defendants Dr. Reddy's Laboratories, Inc., and Dr. Reddy's Laboratories, Ltd. (collectively, "DRL"), asserting that the products that are the subjects of DRL's Abbreviated New Drug Applications ("ANDAs") No. 202461 and No. 204206 infringe claims of U.S. Patent Nos. 6,926,907 ("907 patent"), 5,714,504 ("504 patent"), 6,369,085 ("085 patent"), 6,875,872 ("872 patent"), 7,411,070 ("070 patent"), 7,745,466 ("466 patent"), and 8,557,285 ("285 patent").

This matter having been tried before this Court on January 12, 13 and 17-20, 2017, with closing arguments on May 17, 2017, the Court having heard testimony on behalf of Plaintiffs, and DRL regarding DRL's invalidity counterclaims with respect to claims 5,

15, 52 and 53 of the '907 patent and claims 1-4 of the '285 patent, and DRL's non-infringement counterclaims with respect to claims 1-4 of the '285 patent concerning DRL's ANDA No. 204206, the Court having considered the written post-trial submissions of the parties, and the Court having issued its Memorandum Opinion on June 26, 2017 (D.E. No. 493) and Amended Memorandum Opinion on July 10, 2017 ("Amended Opinion") (D.E. No. 497) finding that claims 5, 15, 52 and 53 of the '907 patent and claims 1-4 of the '285 patent are not invalid under 35 U.S.C. §§103 and 112, and finding that claims 1-4 of the '285 patent are infringed by DRL's ANDA No. 204206 under 35 U.S.C. §271(e) (all docket citations refer to Civil Action No. 11-2317);

IT IS ORDERED AND ADJUDGED that this Court has jurisdiction over the Plaintiffs and DRL and the subject matter of this action;

IT IS ORDERED AND ADJUDGED that all claims and counterclaims regarding the '504 patent, the '085 patent, the '872 patent, the '070 patent, and the '466 patent are dismissed with prejudice (*see* D.E. No. 139);

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Court's Amended Opinion, that final judgment is entered in favor of Plaintiffs and against DRL on all claims and counterclaims regarding the validity of claims 5, 15, 52, and 53 of the '907 Patent;

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Court's Amended Opinion, that final judgment is entered in favor of Plaintiffs and against DRL on all claims and counterclaims regarding the validity of claims 1-4 of the '285 Patent;

IT IS ORDERED AND ADJUDGED, pursuant to the Final Pretrial Order regarding Infringement (D.E. No. 421 at 8), that the commercial manufacture, use, offer for sale, sale, or importation of DRL's ANDA 202461 Product (*i.e.*, the generic version of VIMOVO that is the subject of DRL's ANDA No. 202461 submitted under 35 U.S.C. §271(e)(2)(A)) within the United States or administration of DRL's ANDA 202461 Product for the treatment of pain and inflammation according to its prescribing information within the United States would infringe claims 5, 15, 52, and 53 of the '907 Patent and claims 1-4 of the '285 Patent;

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Court's Amended Opinion, that final judgment is entered in favor of Plaintiffs and against DRL on all claims and counterclaims regarding the infringement of claims 1-4 of the '285 Patent with respect to DRL's ANDA 204206 Product, *i.e.*, the commercial manufacture, use, offer for sale, sale, or importation of DRL's ANDA 204206 Product (*i.e.*, the generic version of VIMOVO that is the subject of DRL's ANDA No. 204206 submitted under 35 U.S.C. §271(e)(2)(A)) within the United States would infringe claims 1-4 of the '285 Patent;

IT IS ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any final approval by the FDA of DRL's ANDA No. 202461 shall be a date which is not earlier than the expiration of the '907 Patent, including any patent term extensions and/or adjustments;

IT IS ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any final approval by the FDA of DRL's ANDA No. 202461 shall be a date which is

not earlier than the expiration of the '285 Patent, including any patent term extensions and/or adjustments;

IT IS ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any final approval by the FDA of DRL's ANDA No. 204206 shall be a date which is not earlier than the expiration of the '285 Patent, including any patent term extensions and/or adjustments;

IT IS ORDERED that, in the event that DRL appeals from this Final Judgment, any motion for attorney fees or costs under Fed. R. Civ. P. 54(d) and L. Civ. R. 54.1-54.2, including any motion that this case is exceptional under 35 U.S.C. § 285, shall be considered timely if filed and served within thirty days after final disposition of any such appeal;

IT IS ORDERED that, in the event that DRL does not appeal from this Final Judgment, any motion for attorney fees or costs under Fed. R. Civ. P. 54(d) and L. Civ. R. 54.1-54.2, including any motion that this case is exceptional under 35 U.S.C. § 285, shall be considered timely if filed and served within thirty days after the expiration of the time for filing a notice of appeal under Fed. R. App. P. 3 and 4;

IT IS ORDERED that all pending motions and other outstanding requests for relief not specifically addressed herein are **DENIED**; and

IT IS ORDERED that the Clerk of the Court designate Civil Action Nos. 3:11-cv-02317-MLC-DEA, and 3:13-cv-00091-MLC-DEA as **CLOSED**.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: July 21, 2017